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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,793	02/04/2001	Gregg Anthony Westbrook	40102	1598

26327 7590 06/10/2004

THE LAW OFFICE OF KIRK D. WILLIAMS
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DENVER, CO 80210

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,793

Applicant(s)

WESTBROOK ET AL.

Examiner

Quang N. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detail Action

1. This Office Action is in response to the Application SN 09/776,793 filed on 02/04/2001. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Clauberg (US 6,735,219).**

4. As to claim 1, Clauberg teaches a system for resequencing a stream of packets, comprising:

a plurality of distributed resequencing components (*plurality of processing units 11-13, 21-23, and 31-33 of Fig. 2*), each of the plurality of distributed resequencing components (*as illustrated in Fig. 7*) including one or more data structures (*such as buffers, tables, queues, etc.*) for maintaining an indication of packets of the stream packets that are stored in other distributed resequencing components of the plurality of distributed resequencing components (Clauberg, C12: L3-52);

a communications mechanism coupled to the plurality of distributed resequencing components to allow communication among the plurality of distributed resequencing components (*as illustrated in Figs. 2 and 7*); and

one or more packet merging mechanisms (*a multiplexing unit 53 with a multiplexer and at least one collector collects, reassembles and multiplexes the packets to one output stream 19*) coupled to the plurality of distributed resequencing components to receive packets of the stream of packets to produce a resequenced stream of the stream of packets (Clauberg, C2: L48-58 and C12: L49-52).

5. As to claims 2-4, Clauberg teaches the system of claim 1, further comprising a distributor (*i.e., distributor 2 of Fig. 2*) for distributing the stream of packets to the plurality of distributed resequencing components through a plurality of paths on different planes of the packet switching system (*i.e., through identical parallel processing paths 10, 20 and 30 of Fig. 2*) (Clauberg, C3: L28-36, C7: L62-67 and C8: L1-4).

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6. As to claim 5, Clauberg teaches the system of claim 1, wherein the communications mechanism includes a communication ring or bus (Clauberg, Figs. 2 and 7).

7. As to claim 6, Clauberg teaches the system of claim 1, wherein the one or more packet merging mechanisms includes a packet merge bus *(at the end of the N processing paths 10, 20 and 30, the collectors 15, 25 and 35 collect and reassembles the packet-parts, then send it to the multiplexer 9 for multiplexing to one single output stream)* (Clauberg, Fig. 2 and C10: L24-32).

8. As to claims 7-8, Clauberg teaches a packet switching system or a router including the system of claim 1 (Clauberg, C1: L38-43, C4: L10-14 and C12: L37-40).

9. Claims 9-11 are corresponding system claims of system claims 1-2; therefore, they are rejected under the same rationale.

10. Claims 12-24 are corresponding method claims of system claims 1-8; therefore, they are rejected under the same rationale.

11. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

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12. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER